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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,749	04/16/2004	Robert A. Boger	P2001US00	1228
7590	03/17/2009		EXAMINER	
Gateway, Inc. Attention: Mark Dickey 610 Gateway Drive, MS Y-04 N. Sioux City, SD 57049			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2426	
			MAIL DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,749	BOGER ET AL.	
	Examiner	Art Unit	
	FRED PENG	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 December 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-13,15,18-23 and 25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6,8-13,15,18-23 and 25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION***Response to Amendment***

1. Applicant's arguments filed 12/01/2008 have been fully considered but they are not persuasive.

Applicant argues on pages 12-13 of Remarks that it is submitted that the Tow patent discloses to one of ordinary skill in the art that the scene is merely skipped by the playback device or deleted from the particular playback session of the content. As noted below, at best the Tow patent discusses skipping and deleting in the alternative, one or the other but not both. Clearly, a discussion of performing one function or another function is not a disclosure of the combined function. The Tow patent does not disclose any means or manner for making any deletion of the scenes or frames, and instead merely talks in terms of a playback device that is able to skip the scenes. It is submitted that in the context of the statement regarding deletion, that what is being referred to here is the deletion of the scene from the particular playback session, but not a permanent deletion of that portion of the content, as the Tow patent fails to make any mention of any structure that performs the function of deleting the scene from the content.

The Examiner respectfully disagrees with applicant's arguments. The disclosure of unwanted scenes or segments can be skipped or deleted from a R-rated movie to create a PG-rated movie (Col 4 lines 52-58) from Tow can be reasonably interpreted as the teaching of the deletion of unwanted scenes from the storage device to create a PG-rated movie and also the teaching of the unwanted scenes or segments can be skipped. Fukuoka further discloses deletion of unwanted contents to free up more valuable space. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the skipped segments or scenes from Aoki's system is unwanted, and therefore modify Aoki's system to include user's options to delete the unwanted segments or scenes such as the skipped segments as taught by Tow to customize contents based on user's preference while provide additional benefits of freeing up more storage space as taught by Fukuoka.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al (US 2005/0055710) in view of Tow et al (US 7,266,771) and Fukuoka (US 2004/0034868).

Regarding Claims 1 and 8, Aoki discloses a system (FIG.1) with corresponding method for content recording of a personal video recorder comprising:

means for receiving a broadcast program (101);
means for storing said broadcast program on a hard disk (102);
means for receiving a user preference signal via a user interface (104);
means for generating an associated database table in accordance with said user preference signal (FIG.8, element 1107), said associated database table containing a plurality of scene segment records (FIG.10, elements 1304-1, 1304-2, 1304-3);
means for employing a record of said associated database table (FIG.10) that contains a start address field, an end address field (1304-1, each segment inherently includes start and end addresses), a user preference field (Para 190; Para 213; a user preference field is proportional shaded area through the whole program, like viewed, not viewed or partially viewed) and a show name field (1301, NEWS).

Aoki discloses means for storing skipped segments and viewed segments in the storage area but is silent about means for providing to said user a capacity to delete scene segments skipped by said user using said user interface as recorded in said database table as being skipped; means for receiving a command from said user to delete skipped scene segments for a broadcast program according to said scene segment records in said database;

Art Unit: 2426

means for deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk; and means for regaining an available space on said hard disk storing said plurality of skipped scene segments for future recording.

In an analogous art, Tow discloses unwanted scenes or segments can be skipped or deleted from a R-rated movie to create a PG-rated movie for children (Col 4 lines 52-58) which suggests a skipped scene is unwanted by the user and is able to be deleted; Fukuoka further discloses means for providing a deletion scenes capacity to said user to delete unwanted contents to regain an available space in the storage area (Para 29 line 6 to last – last line; Para 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aoki's system to include a deletion of unwanted segments, such as skipped scenes capacity to said user, as taught by Tow and Fukuoka to provide the users with options to maintain storage space based on user's preference.

Regarding Claims 2 and 9, Aoki further discloses said user preference signal comprises a viewed signal, a skipped signal and an unviewed signal (Para 189).

Regarding Claims 3 and 10, Aoki further discloses determining a starting point and an ending point of said scene segments on said hard disk based on said user preference signal; and providing information of said starting point and said ending point of said plurality of scene segments for said associated database table wherein said plurality of scene segments are virtually divided on said hard disk (FIG.8, element 1102; FIG.10, elements 1304-1, 1304-2; each segment inherently includes a start and end address and virtually divided on said hard disk 1102).

Regarding Claims 4 and 11, Aoki further discloses providing a playback which allows said user to play a stored broadcast program;

Art Unit: 2426

consulting said user preference field in said associated database table during said payback of said stored broadcast program; and
regenerating said associated database table during said playback of said stored broadcast program when said user wants to edit said broadcast program (Para 62).

Regarding Claims 5 and 12, Aoki further discloses said stored broadcast program is stored on said hard disk (Para 71).

Regarding Claims 6 and 13, Aoki further discloses providing a rewinding capacity of said broadcast program to said user;

determining a starting point of a rewind scene segment in which said user wants to start replaying; providing information of said starting point of said rewind scene segments for said database table; and updating said associated database table in accordance with said user preference (FIG.10, elements 1304-2; Para 242).

Regarding Claim 25, Aoki discloses a method for content recording of a personal video recorder comprising:

receiving a broadcast program (FIG.1, 101); storing said broadcast program on a hard disk (102); receiving a user preference signal via a user interface (104); generating an associated database table based upon said user preference signal received from said user interface (FIG.8, 1107), said associated database table containing a plurality of scene segment records corresponding to a plurality of scene segments of said broadcast program (FIG.10, elements 1304-1, 1304-2, 1304-3), said scene segments being defined in response to user preference signals received via said user interface (Col 4 lines 55-58; skipped segments is defined by a parent through a rating system), said scene segment records of said associated database table (FIG.10) containing a start address field, an end address field (1304-1, each segment inherently includes start and end addresses), a user preference field (Para 190; Para 213; a user preference

Art Unit: 2426

field is proportional shaded area through the whole program, like viewed, not viewed or partially viewed), and a show name field (1301, NEWS).

Aoki discloses means for storing skipped segments and viewed segments in the storage area but is silent about providing a deletion skipped scenes capacity to said user; receiving a command from said user to delete skipped scene segments for a broadcast program according to said scene segment records in said database; deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command; and regaining an available space on said hard disk storing said plurality of skipped scene segments for future recording.

In an analogous art, Tow discloses unwanted scenes or segments can be skipped or deleted from a R-rated movie to create a PG-rated movie for children (Col 4 lines 52-58) which suggests a skipped scene is unwanted by the user and is able to be deleted; Fukuoka further discloses means for providing a deletion scenes capacity to said user to delete unwanted contents to regain an available space in the storage area (Para 29 line 6 to last – last line).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aoki's system to include a deletion unwanted segments, such as skipped scenes capacity to said user, as taught by Tow and Fukuoka to provide the users with options to maintain storage space based on user's preference.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki et al (US 2005/0055710).

Regarding Claims 15 and 20, Aoki discloses a system (FIG.1) with corresponding method for content recording of a personal video recorder comprising:

means for receiving a broadcast program (101);

means for storing said broadcast program on a hard disk (102);

means for receiving a user preference signal via a user interface (104);

means for generating an associated database table in accordance with said user preference signal (FIG.8, element 1107), said associated database table containing a plurality of scene segment records (FIG.10, elements 1304-1, 1304-2, 1304-3);

means for employing a record of said associated database table (FIG.10) that contains a start address field, an end address field (1304-1, each segment inherently includes start and end addresses), a user preference field (viewed, partially viewed or not viewed indicated by shaded area), and a show name field (1301, NEWS);

means for providing a stop capacity of said broadcast to said user (Para 249);

means for providing information of a starting point of a unviewed scene segments for said database table (FIG.10, segment between 1304-2 and 1304-4 has been stopped; Para 250); and

means for updating said associated database table in accordance with said user preference (FIG.10, segment between 1304-2 and 1304-4 indicates updating of being stopped),

wherein said unviewed scene segment is virtually divided on said hard disk (unviewed segment is virtually divided on said hard disk).

means for providing a rewinding capacity of said broadcast program to said user; means for determining a starting point of a rewinding scene segment in which said user wants to start replaying; means for providing information of said starting point of said rewind scene segments for said database table; and means for updating said associated database table in accordance with said user preference (Para 242).

Regarding Claim 21, as have been analyzed and described as in Claims 2, 9.

Regarding Claim 22, as have been analyzed and described as in Claims 4, 11.

Regarding Claims 18 and 23, as have been analyzed and described as in Claims 5, 12.

Regarding Claim 19, as have been analyzed and described as in Claims 6, 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2426

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

fhp

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2426